

June 10, 2010

TO: USPTO

From: Dr. Barry Levy, MD

Diplomate, American Board of Sleep Medicine

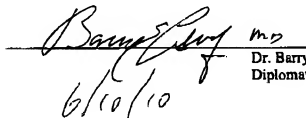
Re: Patent application of Harold E Cutler, 10/593,172

I have read the above Declaration written by Mr. Cutler and am in agreement with his thoughts and opinions contained therein. He originally contacted me to perform the baseline test and later, the test using the device. I was curious about it as I had not been aware of the existence of, nor would I have anticipated, a device such as Mr. Cutler's consisting of a palatal lifter coupled with a tongue retaining member. These two components are arranged and configured in a unique way such that the existence of one supports and improves the effectiveness of the other. I would not have expected that this relatively simple and universal device would perform as well as it does. Especially with some positioning training, the device is a unique and highly effective alternative for those who cannot acclimate themselves to using a CPAP machine.

Ultimately, my recommendation to Mr. Cutler was to continue to use the device he invented with some positional control because I doubt that we can supply another intra-oral device that would work any better.

I would like to state that I have no present, nor do I contemplate any future interest in the device in question and am not being compensated for this letter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Dr. Barry Levy

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